

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RANDOLPH E. WAYMAN,	§
	§
Defendant Below,	§ No. 115, 2022
Appellant,	§
	§ Court Below: Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. I.D. No. 1303015823 (K)
	§
Appellee.	§

Submitted: May 20, 2022

Decided: June 6, 2022

ORDER

On April 1, 2022, the appellant, Randolph E. Wayman, filed this appeal from a Superior Court order dated and docketed on February 4, 2022, that denied his motion for correction of an illegal sentence. A notice of appeal must be timely filed to invoke the Court's appellate jurisdiction.¹ Under Supreme Court Rules 6 and 11, a timely notice of appeal should have been filed on or before March 7, 2022. On May 3, 2022, the Chief Deputy Clerk issued a notice directing Wayman to show cause why this appeal should not be dismissed as untimely filed.² On May 11, 2022,

¹ *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

² Earlier, on April 1, 2022, the Senior Court Clerk had sent a letter to Wayman confirming receipt of the notice of appeal from the February 4, 2022 order and noting that the Superior Court docket also reflected a March 15, 2022 order denying a motion for modification of sentence. The April 1, 2022, letter instructed Wayman to file an amended notice of appeal from the March 15, 2022, order if he wished to appeal from that order. Wayman did not file an amended notice of appeal or otherwise respond to that letter.

the Court received the certified mail receipt indicating that the notice to show cause had been delivered on May 9, 2022. A timely response to the notice to show cause was due on or before May 19, 2022. The appellant having failed to respond to the notice to show cause within the required ten-day period, dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rules 3(b)(2) and 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Karen L. Valihura
Justice